RIGINAL

COMMISIONERS

MIKE GLEASON, Chairman

WILLIAM A. MUNDELL

JEFF HATCH-MILLER

KRISTIN K. MAYES

GARY PIERCE



BEFORE THE ARIZONA CORPORATION CUMMINISTED IN

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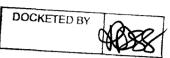
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DEC 19 2007



IN THE MATTER OF THE

APPLICATION OF UNION

PACIFIC RAILROAD TO ALTER

FIVE CROSSINGS OF THE UNION

PACIFIC RAILROAD AT TREKELL,

KEELING, PEART, COX, AND

SUNLAND GIN ROADS

DOCKET NO. RR-03639A-07-0519

UNION PACIFIC RAILROAD

COMPANY'S RESPONSE TO

STAFF MOTION FOR

EXTENSION OF DEADLINE

UP DOUBLE TRACK CASES

Applicant Union Pacific Railroad Company ("Union Pacific") opposes Staff's motion on the grounds that it "requests an <u>indefinite</u> extension of the filing deadline for the Staff Report pending finalization of the arrangement with the consultants." (Emphasis added.) Union Pacific understands that "Staff has chosen to bring outside consultants in to assist in the preparation of Staff's case and the Staff Report," as stated in Staff's motion. It is not Union Pacific's intention to object to Staff's use of consultants in preparing Staff's report.

But Union Pacific made a complete presentation of its double-track project to the Commissioners in a special open meeting on June 22, 2007. As Staff's motion points out, the application at issue in this Docket Number, filed on September 7, 2007, has now been pending for more than four months. The Procedural Order setting January 18, 2008 (rather than January 4, 2008 as stated in Staff's motion) for Staff's report was filed November 8, 2007 (rather than November 19, 2007 as stated in Staff's motion). If additional time was still needed to retain a consultant, even though the facts and issues relating to Union Pacific's proposed alterations to these crossings were substantially known many months before the Procedural Order was entered,

the request for additional time should have been made soon after the application was filed. Further delay in consideration of Union Pacific's application to double track the crossings involved in this application, especially at this stage, will be very detrimental to Union Pacific's attempt to meet the demands of its customers for more rail freight service to, from, and through Arizona and in the Southwest generally.

Even if unexpected difficulties have arisen with Staff's consultant, it nevertheless seems unreasonable to ask for an <u>indefinite</u> extension of the filing deadline for the Staff report. An indefinite extension provides no incentive to have the consultant expedite his or her report sooner than his or her usual 30 days. That is why Union Pacific objects to Staff's suggestion that it will "file a request for procedural order at such time as Staff is in a position to commit to specific dates." Union Pacific would respectfully request instead that, because this application has already been pending for a considerable amount of time, any extension should be for no more than 30 days to keep the application process moving forward within a predictable time frame.

RESPECTFULLY SUBMITTED this 19th day of December, 2007.

BEAUGUREAU, ZUKOWSKI, HANCOCK, STOLL & SCHWARTZ, P.C.

By:

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Attorneys for Applicant Union

Pacific Railroad Company

ORIGINAL AND THIRTEEN COPIES of the foregoing filed this 19th day of December, 2007, with:

Arizona Corporation Commission 1200 West Washington Street Phoenix, Arizona 85007

1	COPY of the foregoing mailed this
2	19 th day of December, 2007, to:
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4	Mr. Chris Watson Railroad Safety Section
5	Arizona Corporation Commission
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7	Janice M. Alward, Esq.
8	Charles H. Hains, Esq. Kenya Collins, Esq.
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